

# EXHIBIT 13

**IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**RACHAEL ANNE ELROD, ANDREW  
KAUFMAN, and SARAH MARTIN, on  
behalf of themselves and all others  
similarly situated,**

**Plaintiffs,**

**v.**

**NO TAX 4 NASH, MICHELLE  
FOREMAN, and JOHN DOES 1-10,**

**Defendants.**

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**BROOKS BRASFIELD, on behalf of  
himself and all others similarly situated,**

**Plaintiff,**

**v.**

**NO TAX 4 NASH, MICHELLE  
FOREMAN, and JOHN DOES 1-10,**

**Defendants.**

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**Case No. 3:20-cv-00617**

**District Judge Eli J. Richardson  
Magistrate Judge Barbara D. Holmes**

**CLASS ACTION**

**JURY DEMAND**

*Consolidated with*

**Case No.: 3:20-cv-00618**

**DECLARATION OF JOHN SPRAGENS IN SUPPORT OF PLAINTIFFS' MOTION  
FOR CLASS CERTIFICATION AND APPOINTMENT OF CLASS COUNSEL**

I, John Spragens, declare as follows:

1. My name is John Spragens. I am the managing partner of the law firm Spragens Law PLC ("Spragens Law"), co-counsel of record for Plaintiffs in this matter.

2. I am admitted to practice before this Court and am a member in good standing of the bar of the state of Tennessee; the United States District Court for the Eastern District of Tennessee; the United States District Court for the Western District of Tennessee; the Northern

District of Illinois; and the Eastern District of Texas. I have been admitted to practice *pro hac vice* in federal district courts across the United States.

3. I respectfully submit this declaration in support of Plaintiffs' Motion for Class Certification and Appointment of Class Counsel.

4. I make these statements based on personal knowledge and would so testify if called as a witness at trial.

### **Background and Experience**

5. I am a licensed attorney and have practiced in the Middle District of Tennessee for the past eight years since my graduation from Vanderbilt Law School in May 2012. I was admitted to the Bar of the State of Tennessee in 2012.

6. After graduating from law school, I clerked for Judge Kevin Sharp of this Court. After completing my clerkship, I joined Bass, Berry, & Sims in the litigation department, where I represented the firm's clients in complex class action litigation, health care fraud cases, internal investigations, and other commercial litigation.

7. In 2014, I joined Lieff Cabraser Heimann & Bernstein, LLP ("LCHB"), a national plaintiffs' class action firm, prosecuting federal jury trials against cigarette manufacturers in the *Engle* progeny litigation and, later, representing consumers and whistleblowers in federal litigation involving defective products, antitrust conspiracies, health care fraud, Telephone Consumer Protection Act ("TCPA") violations, racketeering violations, and other consumer frauds.

8. In 2019, I founded Spragens Law, where I have represented plaintiffs in consumer, securities, and antitrust class actions as well as individual personal injury, medical malpractice, employment discrimination, and whistleblower matters.

9. I was named a “Top 40 Young Lawyer” by the American Bar Association in 2018 and have been recognized as a Mid-South “Rising Star” each year from 2016 to 2020. In 2020, I was a member of a team of attorneys that received an American Antitrust Association Antitrust Enforcement Award for “Outstanding Antitrust Litigation Achievement in Private Law Practice,” recognizing our \$120 million settlement for purchasers of certain prescription blood-thinners in *Hosp. Auth. of Metropolitan Gov’t of Nashville and Davidson Cty., Tenn., et al. v. Momenta Pharms., Inc., et al.*, No. 3:15-cv-1100 (M.D. Tenn.).

10. Since 2018, I have served as an adjunct faculty member at Vanderbilt Law School, where I, along with two colleagues, teach a course called The Practice of Aggregate Litigation. In it, students learn about class action and multidistrict litigation (MDL), with a particular focus on the practical aspects of litigating class actions and MDLs as court-appointed counsel for a group of hundreds or thousands of plaintiffs.

#### **TCPA Consumer Protection Class Actions**

11. Since 2014, my practice has focused on a number of nationwide consumer protection class actions. I, along with other attorneys, served as class counsel in a series of groundbreaking nationwide class actions under the Telephone Consumer Protection Act (“TCPA”) and have prosecuted complex class action litigation of similar size, scope, and complexity to the instant case. My firm has the resources necessary to conduct litigation of this nature efficiently and effectively. The TCPA is a technologically focused statute. In my experience, successful TCPA class actions require attorneys to understand the mechanics of automatic telephone dialing systems and complex computer databases that store and organize call records. In addition, attorneys must closely track relevant orders, rulemakings, and petitions from the Federal

Communications Commission, as the FCC has been very active on TCPA issues. Below is representative list of TCPA cases I have litigated and in which I played a substantial role.

a. I, along with other attorneys and co-counsel, served as counsel in *Thomas v. Dun & Bradstreet Credibility Corp.*, No. 2:15-cv-03194-BRO-GJS (C.D. Cal.). On March 22, 2017, the court approved a \$10.5 million cash settlement for a class of small business owners who received telemarketing calls.

b. I, along with other attorneys and co-counsel, served as counsel in *Smith v. State Farm Mutual Auto. Ins. Co., et al.*, Case No. 1:13-cv-02018 (N.D. Ill.). On December 8, 2016, the court approved a \$7 million settlement.

c. I, along with other attorneys and co-counsel, served as counsel in *Karpilovsky v. All Web Leads, Inc.*, No. 17 C 1307, 2018 WL 3108884 (N.D. Ill. June 25, 2018) (certifying nationwide class). On April 9, 2019, the court preliminarily approved a \$6.5 million settlement.

d. I, along with other attorneys and co-counsel, served as counsel in *Rice-Redding v. Nationwide Mutual Automobile Ins. Co.*, Case No. 1:16-cv-03634 (N.D. Ga.). On March 21, 2019, the court preliminarily approved a \$5 million settlement.

e. I, along with other attorneys and co-counsel, served as counsel in *Pine v. A Place For Mom, Inc.*, Case No. Case 2:17-cv-01826-TSZ (W.D. Wash.). On January 11, 2021 (after I was no longer involved in the case), the court granted final approval of a \$6 million settlement.

#### **Other Consumer Protection Class Actions**

12. Along with other attorneys and co-counsel, I have also served as counsel in numerous other class actions that benefited consumers who were wronged by alleged corporate

misconduct.

a. *In re Whirlpool Corporation Front-Loading Washer Products Liability Litigation*, MDL No. 2001 (N.D. Ohio) (MDL No. 2001) (nationwide settlement involving front-loading washers alleged to develop mold, odor, and biofilm).

b. *In re Sears Roebuck and Co. Front-Loading Washer Products Liability Litigation (CCU Claims)*, No. 06-cv-7023 (N.D. Ill.) (nationwide settlement involving front-loading washers alleged to include defective processors).

c. *In re LG Front Loading Washing Machine Class Action Litigation*, No. 08-51 (D. N.J.) (nationwide settlement involving front-loading washers alleged to develop mold, odor, and biofilm).

d. *Amin, et al. v. Mercedes-Benz USA, LLC, et al.*, No. 1:17-cv-01701 (N.D. Ga.) (nationwide settlement for owners of cars alleged to develop mold and odor in HVAC system).

e. *In re: Samsung Top-load Washing Machine Marketing, Sales Practices and Products Liability Litigation (MDL 2792)* (W.D. Okla.) (nationwide settlement involving top-loading washers alleged to explode violently during spin cycle).

f. *Allagas, et al. v. BP Solar, Inc., et al.*, No. 3:14-cv-00560-SI (N.D. Cal.) (nationwide settlement for owners of solar panels alleged to crack and pose risk of fire).

13. I, along with other attorneys and co-counsel, currently serve as counsel in *Kenney et al v. Centerstone of America, Inc. et al.*, No. 20-cv-1007 (M.D. Tenn.), a proposed class action involving allegations of a negligent failure to protect personal information and private health information that was released in a data breach.

### **Other Complex Litigation Experience**

14. I have also served as counsel in other complex cases involving allegations of defective design, personal injury, antitrust injury, and fraud.

a. In the *Engle* progeny tobacco litigation, I represented addicted smokers and families of deceased smokers in hundreds of federal lawsuits and appeals involving Philip Morris USA, R.J. Reynolds Tobacco Co., and Lorillard Tobacco Co. I participated as trial counsel in several federal jury trials, winning noteworthy verdicts of over \$27 million and \$6 million, eventually resulting in a \$100 million settlement for the remaining federal *Engle* progeny plaintiffs.

b. In *Hosp. Auth. of Metropolitan Gov't of Nashville and Davidson Cty., Tenn., et al. v. Momenta Pharms., Inc., et al.*, No. 3:15-cv-1100 (M.D. Tenn.), I represented the Nashville General Hospital and other class members who purchased blood-thinners Lovenox® and enoxaparin at prices that were alleged to be artificially inflated by anticompetitive conduct. On May 29, 2020, Chief Judge Waverly D. Crenshaw of this Court granted final approval of a \$120 million settlement on behalf of a nationwide class of purchasers.

c. In *National Prescription Opiate Litigation (MDL 2804)*, I represented cities, counties, and other public and private entities in litigation against the manufacturers and distributors of prescription opioids that created a devastating addiction crisis in the United States. In my role as counsel at a firm in the leadership of the massive litigation, I successfully briefed innovative claims for damages under the Racketeering Influenced and Corrupt Organizations (RICO) Act and common law theories including public nuisance and fraud.

### **Spragens Law's Work on Behalf of the Proposed Class**

15. My firm began investigating this case in the minutes after the July 16, 2020

robocalls were placed, having been immediately contacted by an individual who received the robocall. By July 17, 2020, we had investigated the claims and filed the first class action complaint related to the robocalls, asserting TCPA claims on behalf of a proposed class represented by three named plaintiffs, Rachael Anne Elrod, Andrew Kaufman, and Sarah Martin.

16. Since that time, my firm has worked collaboratively with proposed co-lead counsel to prosecute this action on behalf of the proposed class. We moved to consolidate the cases, immediately began document discovery involving the named defendants and related non-parties, negotiated various matters with opposing counsel, planned and took key depositions, and promptly briefed the instant motion for class certification.

17. If appointed class counsel, we will devote all resources necessary to fairly and adequately represent the interests of the class, continuing to aggressively litigate the case toward a resolution that benefits all class members.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 6, 2021, in Nashville, Tennessee.

  
JOHN SPRAGENS